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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,908	09/23/2004	Erik A.T. Trommelen	TS0777/US	9882

30522 7590 01/05/2007
KRATON POLYMERS U.S. LLC
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EXAMINER

WU, IVES J

ART UNIT	PAPER NUMBER
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1724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/508,908	Applicant(s) TROMMELEN ET AL.	
	Examiner Ives Wu	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 14, 17-23, 25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 14, 17-23, 25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

(1). Applicants' Request-for-Continued Examination (RCEX), Remarks and Affidavits filed on October 16, 2006 have been received.

However, upon further considerations, the rejections for claims 12,14,17-23, 25 and 27 in prior Office Action dated December 14, 2005 is sustained.

Claim Rejections - 35 USC § 103

(2). The text of those sections of Title 35, U. S. Code not included in this section can be found in a prior Office Action.

(3). Claims 12,14,17-23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vonk et al (US004904713) in view of Agostinis et al (US004874821) for the same rationale recited in prior Office Action dated December 14, 2005.

Response to Arguments

Applicant's arguments, see Affidavits, filed on October 16, 2006, with respect to claim 1 have been fully considered and are persuasive. The instant application is in allowable condition. However, the problem remains in issue is the unexpected results provided by applicants not presented in applicants' claim (also needs literal support in applicants' Specification) in order to distinguish from the disclosure of prior art references - Vonk et al (US004904713), Agostinis et al (US004874821). Applicants are reminded that claims define what applicants regard as their invention. Limitations appearing in the Specification but not recited in the claims are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969).

Applicant's other arguments filed on October 16, 2006 have been fully considered but they are not persuasive.

Applicants address that the blocks of Agostinis et al (US004874821) linked to each other by a random copolymeric moiety (page 4, Remarks). In reviewing the teaching of Agostinis et al (US004874821), it recites: B1 and A1 molecular weight is referred to the blocks considered as pure, i.e., pure of alternating units, and is evaluated at end of 1st polymerization step. B2 and A2 blocks are determined by gel-permeation chromatography, carried out at end of 2nd

Art Unit: 1724

polymerization and 3rd step of polymerization (Col. 4, line 52-57). Therefore, the wt ratio of B1/B2 is based on their pure block part.

Applicants address the Table 2 and 1 in Applicants' Specification to show the unexpected results. It is well known in the art that tetrablock as claimed by applicants are chemically different from diblock or triblock in the Table 2. Therefore, the comparison is not commensurate in scope with the applicants' claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ives Wu whose telephone number is 571-272-4245. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Ives Wu

Art Unit: 1724

Date: December 25, 2006

DUANE SMITH
PRIMARY EXAMINER

D-S
1-3-07